

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 14-CR-123

WENDELL J. MARTIN,

Defendant.

**ORDER DENYING MOTION FOR COMPASSIONATE RELEASE AND
APPOINTMENT OF COUNSEL**

Defendant Wendall Martin was convicted of sexually assaulting a thirteen-year-old child as she slept at her family's home on the Menominee Indian Reservation. The child awoke to a feeling of the defendant's hand inside her underwear. He later returned and inserted his finger into her vagina, causing her pain and a small abrasion that was observed at the hospital shortly thereafter. The defendant was sentenced to 108 months in the custody of the Bureau of Prisons and has a projected release date of November 6, 2021. Martin has moved for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). In support of his motion he cites the COVID-19 pandemic, and the fact that he has a number of chronic health conditions that render him more susceptible to serious consequences, or even death, if he contracts the disease. Nevertheless, for the reasons that follow, Martin's motion is denied.

According to the record before the court, Martin is currently 65 years of age and obese. He is being treated for a cavalcade of physical health issues. These include hypothyroidism; acute gouty arthropathy; obstructive sleep apnea; nuclear sclerosis; hypertension, benign essential;

chronic obstructive pulmonary disease (COPD); chronic periodontitis; lumbago; Type 2 diabetes mellitus; hyperlipidemia; cataract, left eye myopia; and aortic aneurysm, without rupture. His diabetes was first diagnosed in March of 2020. At that time the defendant weighed 311 pounds and had a body mass index of 40. He was also treated for alcoholic liver damage, but that condition was listed as “resolved” in the March 2020 report, indicating that his blood work showed his liver functioning in a normal range.

Martin is currently serving his sentence at FCC Allenwood, located in Pennsylvania. There are no listed inmates or staff who have tested positive for COVID-19 at the low security prison there. In addition, the Bureau of Prisons (BOP) has instituted extensive measures to prevent the virus from entering the institution or spreading once it is there.

To be sure, given his chronic health conditions, COVID-19 could pose a significant risk to Martin’s life, should it infiltrate the facility where he is currently housed. At the same time, based upon his history and offense of conviction, Martin poses a serious risk to the public, particularly to young children. As the government points out, additional victims came forward with old allegations of sexual misconduct or assaultive behavior by Mr. Martin. The offense of conviction itself involved his walking into a family member’s home and assaulting a child as she was asleep. His alcohol abuse appears to have contributed significantly to the offense. Finally, the court notes that the proposed release plan Martin offers would involve his living with two minor children. Probation expressly declines to approve such a plan, and thus it would appear he has no release plan that would be appropriate.

Based upon all of these considerations, the court concludes that Martin has failed to establish the extraordinary and compelling reasons needed to grant his motion for compassionate

release that would be consistent with the sentencing factors set forth in § 18 U.S.C. § 3553(1).

Accordingly, his motion is denied.

SO ORDERED at Green Bay, Wisconsin this 19th day of August, 2020.

s/ William C. Griesbach

William C. Griesbach

United States District Judge